



Convention on the Rights of the Child

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Summary record of the 1759th meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 15 January 2013, at 3 p.m.

Chairperson: Mr. Zermatten

Contents

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Guyana (continued)

* No summary record was issued for the 1758th meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Combined second to fourth periodic reports of Guyana (continued) (CRC/C/GUY/2-4; CRC/C/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Guyana resumed places at the Committee table.*
2. **Ms. Wijemanne** asked who was responsible for collecting data on maternal and child mortality, how often such data were collected and whether they showed disparities between rural and urban areas; what programmes and monitoring mechanisms were in place to reduce neonatal and under-five mortality, particularly in rural areas; and what action was being taken to prevent teenage pregnancy and promote adolescent health. More information was needed on programmes to reduce mother-to-child transmission of HIV and treat pregnant women with HIV at an early stage. What was being done to ensure compliance with the International Code of Marketing of Breast-milk Substitutes and to punish violators? Lastly, it would be useful to have further details of early childhood development and substance abuse programmes.
3. **Mr. Gastaud** asked whether an assessment of the progress and failures of the strategic plan on education for 2008–2013 had been carried out and whether another plan was envisaged to cover 2013–2018; whether the school curriculum included the study of minority languages; and what educational measures were in place to help street children and rehabilitate young offenders.
4. **Ms. Varmah** (Country Rapporteur) said that approximately one in every five new mothers was a teenager, often unemployed, lacking in parental skills and finding it difficult to provide for the family. She wished to know what measures were being taken to prevent hazards associated with teenage pregnancy such as death from abortions and suicide attempts; what protections were afforded to young mothers and their children; and what steps were taken to ensure the privacy of pregnant teenagers. She would appreciate information on campaigns to raise awareness about HIV/AIDS, a leading cause of death among women of reproductive age, and steps to reduce disparities in access to sexual reproductive health services, particularly with respect to Amerindian women.
5. **Ms. Herczog** asked how many children had been left behind in the country by parents seeking work abroad and whether there were programmes in place to care for them. She requested information on family reunification and adoption procedures and the monitoring and complaints mechanisms for children in institutional care. Did street children have access to early childhood education programmes or the types of hot meal programmes available to schoolchildren? She would also welcome further information about training juvenile justice system professionals in the prevention of violence against or by children.
6. **Mr. Koompraphant**, referring to paragraphs 472 to 489 of the report of the State party, noted with concern that the data necessary to support measures to eradicate sexual exploitation and sexual abuse in the country were still lacking. The representative of Guyana should explain why such exploitation and abuse continued to grow despite the measures taken to eliminate them.
7. **Mr. Kotrane** wondered whether nursery school would be mandatory under the new legislation on education in Guyana. He asked whether the State party had plans to submit a report on the status of implementation of the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and whether the Employment of Young Persons and Children Amendment Act of 1999 provided for raising the minimum age for work likely to harm the health or safety of children.

8. **Ms. Teixeira** (Guyana) said that the Ministry of Health collected data on maternal and child mortality on a regular basis. The highest maternal mortality rates were not in the outlying regions of the country, where there were midwives and community outreach workers, but rather at the tertiary-care level in the capital city, where many complex cases ended up at the one major public hospital providing specialized obstetric and gynaecological services, including emergency cases involving medical evacuation from other parts of the country. That problem was compounded by the fact that many women sought primary care only after entering the second trimester of pregnancy. While unsafe and illegal abortions had been a leading cause of maternal mortality in the early 1990s, since the adoption of the Medical Termination of Pregnancy Act, there had been only one case of death, in 2012, caused by an abortion outside a hospital setting.

9. A number of programmes had been set up to meet the challenge of high neonatal mortality; they were outlined in the report. While the under-five mortality rate remained a serious problem, it had changed slightly in recent years. For example, respiratory diseases had replaced diarrhoea and gastroenteritis as the leading cause of death among children under 5 years of age.

10. Since the 1950s, between 20 and 25 per cent of all babies in Guyana had been born to teenage mothers, mostly between 17 and 19 years of age. Teenage pregnancies were rare among girls between the ages of 13 and 15. The age of consent in the country was 16 years. Several campaigns had been carried out to promote adolescent health and well-being, largely aimed at young people between the ages of 16 and 19 years. Nevertheless, some people remained opposed to teaching young persons about the use of condoms, for example, for cultural or religious reasons.

11. **Ms. Sandberg** (Country Rapporteur) said that she had received reports that, on average, girls in Guyana became sexually active at the age of 14 years. She would like to know what State schools were doing to overcome the cultural and religious traditions that stood in the way of sexual education.

12. **Ms. Teixeira** (Guyana) said that she was not familiar with the data on 14-year-old girls. However, she had seen random samples that suggested that boys tended to become sexually active earlier than girls. Her Government had conducted extensive campaigns to promote condom use and birth control. Moreover, condoms were widely available at places where young people gathered, and girls were encouraged to carry condoms with them.

13. Turning to the strategic plan on education, she said that an assessment of gaps and weaknesses had been carried out and efforts had been made in the report to reflect the challenges of fulfilling the plan. However, any changes to the secondary education curriculum would first have to be coordinated with the relevant authorities of the Caribbean Community (CARICOM), which had a common secondary education system.

14. There were nine Amerindian languages, in addition to the Creole spoken in Guyana, none of which were written. The Ministry of Culture, Youth and Sports was working with Amerindian representatives to keep the languages alive. However, the study of the languages in school was not mandatory.

15. While the population of Guyana had decreased in the previous 20 years, recently, thousands of persons had been returning to the country, mostly aged between 40 and 50 years. As Guyanese families tended to be extended rather than nuclear, there was a tradition of taking care of one another's children. Children left behind by parents seeking work abroad were thus cared for by relatives. The same had been true for children who had become orphans as a result of the HIV/AIDS epidemic that had struck prior to the introduction of antiretroviral therapy programmes.

16. While nursery school was not mandatory under the law, such schools were present in every village and available free of charge to children over the age of 3 years, nine months. Nursery schools compensated for the shortage of day-care centres and were a major factor in reducing poverty, as they gave mothers the opportunity and time for work. All Guyanese schoolchildren were required to wear school uniforms, which were fully covered by vouchers under the national school uniform programme.

17. Her Government had recently submitted a number of reports to ILO on the implementation of various Conventions. While children could enter the labour market at the age of 15 years, not all occupations were open to them.

18. **The Chairperson**, speaking as a member of the Committee, said that some children under the age of 15 were employed in such sectors as domestic work and farming. The ILO Worst Forms of Child Labour Convention, 1999 (No. 182) set the minimum age for hazardous work at 18 years. He would welcome more specific information on the incidence of suicide and road accidents. Furthermore, the issue of domestic and international adoption had not been addressed.

19. **Ms. Teixeira** (Guyana) said that the Child Care and Protection Agency, which was responsible for monitoring childcare institutions, had branches staffed by highly qualified social workers throughout the 10 administrative regions of the country. The Agency collaborated with departments such as the Ministry of Amerindian Affairs in dealing with child welfare cases involving Amerindian children. The visiting committees referred to in the report were also staffed by qualified social workers to ensure that childcare institutions complied with the relevant standards established by law. To address the problem of childcare by single parents, plans were under way to expand the current operating hours of day-care centres to accommodate parents who worked at night.

20. **Ms. Herczog** would like to know what was the age range of children in early childhood education programmes, day-care centres and preschools and whether there was free access to such facilities for lower-income families.

21. **Ms. Varmah** said that it was important to draw a distinction between day care and early childhood education.

22. **Ms. Teixeira** (Guyana) said that early childhood development programmes covered children up to the age of 5 years and day care was provided to children up to 8. There had been six domestic and three international adoptions in 2011 and nine domestic and six international adoptions in 2012. The United States Government assisted the Child Care and Protection Agency in monitoring the care of children adopted internationally. Judges and magistrates were familiar with the relevant domestic legislation on adoption, as it was for the courts to finalize decisions on adoption at the present time. However, she trusted that the Family Court, set up to protect children in matters of guardianship, custody, maintenance, divorce and adoption, would soon be operational.

23. She outlined a number of laws enacted to address domestic violence, including the Domestic Violence Act and the more recent Sexual Offences Act, which placed responsibility on citizens to report abuse and offered additional legal protections to victims. There was also a 24-hour hotline for victims of child neglect and sexual abuse. Much had been done to raise awareness about domestic violence, including the "Stamp It Out" campaign mentioned in the report. Furthermore, extensive national consultations had been held in 2012 on sexual, domestic and gender-based violence, with the wide participation of young people, the results of which would be reviewed by the Cabinet and incorporated into a national action plan.

24. **Mr. Madi** asked what the Government was doing currently to eradicate corporal punishment, particularly in schools, and to raise public awareness of the issue.

25. **Ms. Webster** (Guyana) said that a special parliamentary committee on the matter had been set up and was expected to start work at the end of January.
26. **Ms. Teixeira** (Guyana) said that, under the Education Act, only headmasters were entitled, under certain circumstances, to mete out corporal punishment. Any such disciplinary measures must be reported and records duly kept. In spite of public awareness campaigns on the negative effects of corporal punishment, the majority of the population continued to favour it as a means of disciplining children at school and in the home.
27. Men were under no legal obligation to acknowledge paternity of their children. If no paternity was acknowledged, the children concerned took the surname of their mothers. Under the Custody, Contact, Guardianship and Maintenance Act of 2011, men who accepted paternity could be required to contribute to the maintenance of their children and their earnings could be attached. Failure to meet the payments could incur a prison sentence. The marginalization of men in society was one reason for the widespread refusal to acknowledge paternity. At the local community level, decision-making was largely in the hands of women, leaving men feeling disenfranchised and unwilling to take on responsibility.
28. Turning to the question raised concerning sex tourism, she said that the issue had been addressed in the replies to the list of issues. Guyana was not a tourist destination at present. Nevertheless, the Government was attempting to promote eco-friendly tourism while introducing safeguards against child sex tourism.
29. The Government of Guyana had received no official request for initial reports on its implementation of the Optional Protocols to the Convention and requests for guidance on the matter had been ignored.
30. **The Chairperson** recalled that States parties were required under the Optional Protocol to submit initial reports within two years of ratification. General guidance could be obtained on the Committee's website.
31. **Ms. Teixeira** (Guyana) said that no one could be held in custody for more than 72 hours without being charged. Once charged, it could take up to eight weeks for the accused to be brought to court. Young offenders were either sent to the New Opportunity Corps, a juvenile detention centre, or, from the age of 16, to prison, where they were kept separate from adults.
32. **The Chairperson**, speaking as a member of the Committee, asked why passage of the juvenile justice bill had been held up for so long; what the legal distinction was between young offenders aged under 16 and those aged between 16 and 18; and at what age was a minor treated and punished as an adult for offences.
33. **Mr. Cardona Llorens**, referring to paragraph 527 of the State party report, asked whether minors could be tried and convicted as adults for serious offences such as murder. He also wished to know whether the State party intended to increase the current maximum penalty of 3 years' imprisonment for serious crimes committed by minors aged from 10 to 16.
34. **Mr. Gastaud** asked whether cases involving minors were tried by specialized juvenile courts; whether there were statistics on the number of minors aged from 10 to 13 held in detention and on the length of their detention; whether the State party was considering introducing alternative forms of punishment to detention; whether mechanisms were in place to promote the social reintegration of young offenders after their release; and what education was provided for minors held in detention.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

35. **Ms. Teixeira** (Guyana) said that although the age of criminal responsibility was set at 10 years under the Juvenile Offenders Act, minors were not automatically sentenced to detention if convicted of an offence. Magistrates could decide to return minors to their families or guardians, or place them in foster care. Minors could also be sent to the New Opportunity Corps centre for a maximum of three years. Decisions to send minors to the centre were expunged from their criminal records on their release. Minors were able to stay in the centre until the age of 17, after which they completed any remaining part of their sentences in prisons, where they were held separately from adult inmates until the age of 18. Under current legislation, minors aged 16 and above who committed serious offences could be sent directly to prison if the sentence went beyond the offender's eighteenth birthday. Youth offenders who had reached the age of 17 were deemed old enough to be sent to prison. The law should perhaps be amended to decrease the age of majority to 17 or raise the age limit for placement in the New Opportunity Corps centre to 18.

36. The increase in violent and armed crime involving minors as young as 14 posed a particularly tough challenge requiring legal reform. Unfortunately, however, it was unlikely that the juvenile justice bill would soon be passed. There was no plan to increase penalties for offenders aged 10 to 16. Consideration was being given to raising the age of criminal responsibility to 12. By law, persons under 18 could not be sentenced to the death penalty. Under amendments to criminal legislation passed in 2010, the death penalty was no longer applied automatically to convictions for murder.

37. The New Opportunity Corps was a rehabilitation centre and did not function like a prison. Windows were not barred and there was no lockdown at night. Although the law provided for the establishment of more such centres, the necessary resources were lacking.

38. The Corps included skills training and education at a school near the detention centre. Children in need were provided with remedial education. Skills programmes were designed to promote the reintegration into society of young offenders. However, there was a shortage of qualified teachers, particularly to address the needs of minors in vulnerable situations. A number of NGOs, however, were striving to address the issue.

39. Young female offenders aged from 16 to 18 were sent to the country's only female prison, which held around 50 inmates, all of whom received skills training.

40. **The Chairperson** invited the delegation to respond to the questions on children with disabilities.

41. **Ms. Teixeira** (Guyana) said that the written responses to the list of issues contained additional information on special needs education. The country had three special needs schools, all located in the capital, and the training of additional special needs teachers was under way. The shortage of people with the necessary skills, such as physical, occupational and speech therapists, remained a considerable challenge. Over the past 10 years, efforts had been made to train specialists to work with persons with disabilities at the community level. While there had been a successful partnership with Cuba, involving the training of 1,000 Guyanese citizens in Cuba as doctors, engineers, agronomists and therapists, more trained specialists and better facilities were needed. A number of charities were working with the Government in that area.

42. **Mr. Cardona Llorens**, expressing concern over the lack of specific data on persons with disabilities in the report and written responses, asked how many children with disabilities were in mainstream schools and how many had no access to school. He also wished to know what the State party was doing to ensure that children with disabilities enjoyed other rights provided for in the Convention, for example the right to education and recreation by building or redesigning accessible schools and parks and conducting awareness-raising campaigns.

43. **Ms. Teixeira** (Guyana) said that building codes had been amended in accordance with the Persons with Disabilities Act. However, many of Guyana's buildings were traditional wooden structures that were part of the national heritage and could not be readily adapted to the needs of persons with disabilities. Persons with disabilities had become important advocates of their own rights, with their own organizations and programmes.

44. Turning to the question of data, she said that a number of surveys had been conducted on the types of disabilities present in Guyana. The Persons with Disabilities Act stressed the importance of ensuring that accurate information was available that could be used in preparing policies. The National Commission on Disabilities had been preparing a register of persons with disabilities, broken down geographically to identify needs and take appropriate action. While not all schools had the capacity to meet special needs, there was one school in every region that catered for children with certain disabilities. There were also special homes for children with severe disabilities.

45. **The Chairperson**, noting that the Protection of Children Act made reference to the right of children to be heard, asked how that right was guaranteed in the courts and child protection offices. Was the principle of the best interests of the child taken into account in practice and were there guidelines governing its application? He also asked the delegation whether there were cases of discrimination against children based on their sexual orientation, particularly involving harassment at school. He would also welcome further information on suicide and mental health.

46. **Ms. Teixeira** (Guyana) said that, according to the available statistics on suicide, the number of suicides among persons under 18 was small and did not make up a significant part of the overall suicide rate. The most recent study on suicide, conducted jointly by the United Nations Children's Fund and the Ministry of Health had not taken sexual orientation into account. The delegation was not aware of cases of children in school being harassed because of their sexual orientation. There were mechanisms to make complaints about any form of harassment or discrimination on any grounds, including sexual orientation.

47. With regard to the best interests of the child, she said that the principle was enshrined in the Constitution and upheld by law. The Family Court were expected to uphold the Constitution and conventions to which Guyana was a party under the rules governing it. Efforts had been made to improve the legal framework for children's rights. Although not designed specifically for children, the Evidence Act provided for audiovisual links with the courts. There was also legislation allowing into evidence documents, statements, writings and other articles so as to avoid repeated appearances by victims in court.

48. While there might well be prejudice against Amerindian children at the personal level, the laws and Constitution of Guyana did not allow discrimination on ethnic or other grounds. Efforts had been made to improve access to education and other services for Amerindian children. She therefore wished to know the source of the reports of discrimination against them and whether the discrimination was alleged to be systemic.

49. **The Chairperson**, speaking as a member of the Committee, asked whether there was a timetable for the establishment of the Family Court.

50. **Ms. Teixeira** (Guyana) said that the construction of the Family Court building had been completed in 2010 and the rules governing the Court had been finalized by the Judicial Service Commission in 2012. The rules were now before the National Assembly and the appointment of judges and other arrangements were needed for the Court to become operational.

51. **The Chairperson**, speaking as a member of the Committee, asked when that was likely to happen.

52. **Ms. Teixeira** (Guyana) suggested that the Committee should include in its concluding observations a recommendation on the need to get the Family Court up and running soon.

53. **Ms. Webster** (Guyana) said that Guyana had universal primary education and almost universal secondary education. The school attendance rate was currently about 93 per cent. Information on the dropout rate had been provided in the written responses to the list of issues. One of the Government's priorities was the provision of opportunities to young people who had dropped out of school to pursue vocational training. Over the past few years, efforts had been made to expand access to technical and vocational institutions for young people. With funding provided by the Caribbean Development Bank, new technical and vocational centres had been built in a number of regions. The skills learned by young people in the technical and vocational centres were expected to have an impact on the country's development.

54. **Ms. Sandberg** said that she was grateful to the delegation for the information and clarifications provided but noted that the Committee still had a number of concerns. The Committee could certainly provide support for efforts to improve the situation, for instance in relation to the juvenile justice bill and the issue of corporal punishment.

55. **Ms. Teixeira** (Guyana) said that one of the major obstacles faced was access to development aid. Financial and technical support for efforts to achieve the Millennium Development Goals had been meagre, and the country had therefore had to rely on its own capacities. Despite the existing and emerging challenges, Guyana was proud of the progress made in many areas.

56. She suggested that in the preparation of reports, it would be helpful if the Committee could provide greater guidance on what was required, perhaps in the form of training programmes for persons responsible for the preparation of reports. She also suggested that efforts should be made to post State party reports on the Committee's website promptly. Noting that Special Rapporteurs often made overlapping requests for information, she pointed out that, although Guyana fulfilled its reporting obligations, it had at its disposal only a small team for the preparation of all reports to the treaty bodies.

The meeting rose at 6.00 p.m.